

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, DECEMBER 18, 2007.**

The City Council of the City of Leon Valley, Texas, met for a Special City Council Meeting on the 18th day of December 2007 at 5:40 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

SPECIAL CITY COUNCIL MEETING - 5:40 P.M.

Call to order.

Mayor Riley called the meeting to order at 5:40 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Community Development Director Smith, and City Attorney Alternate Frank Onion were also present.

Convene into Executive Session in accordance with the Government Code

- A. Section 551.074, "Personnel Matters" - Discussion of employment negotiations for an Economic Development Director.**
- B. Section 551.071 "Consultations with Attorney" for anticipated litigation - Code Enforcement.**

Mayor Riley announced that Council would convene at 5:40 p.m. into executive session in accordance with the Texas Government Code, Section 551.074 "Personnel Matters" to discuss employment negotiations for an Economic Development Director and in accordance with Government Code, Section 551.071 "Consultations with Attorney" for anticipated litigation - Code Enforcement.

Reconvene into open session.

At 6:40 p.m., Mayor Riley reconvened the Council to open meeting.

Deliberation and action on authorizing that the City's attorneys initiate legal proceedings, through final judgment and appeal, if necessary, to enforce zoning restrictions, floodplain regulations, and other City Code provisions on the property located at 6908 Poss Road.

Mayor Riley announced that no action was being taken.

Adjourn.

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige to adjourn the meeting. Mayor Riley announced the Special City Council Meeting adjourned at 6:47 p.m.

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on

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the 18th day of December 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldridge, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Fire Chief Irwin, City Accountant Wallace, Assistant Director of Public Works Stolz, Community Development Director Smith, Community Development Project Director Flores, HR Officer/Assistant City Secretary Caldera, and City Attorney Alternate Frank Onion were also present.

Mayor Riley asked Councilmember Nelson to lead the Pledge of Allegiance.

Recognition of retirement of Melinda Smith, Community Development Director.

Mayor Riley presented a proclamation of appreciation and plaque in honor of retiring Community Development Director Melinda Smith for dedicated service over twenty years with the City in varying positions: Animal Control and Light Maintenance Officer, Building Permit Clerk, Code Enforcement Officer, Project Manager and Community Development Director. Mayor Riley also presented a twenty-year service pin to Ms. Smith who began service with the City in January 2008. Ms. Smith will retire on January 10, 2008. Members of Council voiced their appreciation for Ms. Smith's service over the years in Leon Valley.

Ms. Smith thanked Mayor Riley, Council, previous Councils, the City Manager, and the citizens of Leon Valley for the opportunity to serve the City.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. Hearing no objections, Mayor Riley then asked if anyone in the audience wished to address the Council.

Trade and Market Days Committee Chair Nita Lange addressed Council reported on the great turnout for the Trade and Market Days held on December 8, 2007. She reported that many shoppers were parked up and down the neighborhood streets and thanked everyone for their support of the program and reminded everyone of the next event to be held on the second Saturday in March 2008.

Hearing no one else, Mayor Riley asked for a motion on the Consent Agenda.

Consent Agenda

Consider approval of minutes of the Special City Council Meeting of November 15, 2007 and the Regular City Council Meeting of December 4, 2007 (Feutz).

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Consider M&C# 12-02-07 with attached ordinance - a request for approval of the certified tax roll for the City of Leon Valley, Texas, for the year 2007.

A motion was made by Councilmember Reyna, seconded by Councilman Dean, to approve Consent Agenda items as listed on the agenda. Upon vote, Mayor Riley announced that the motion carried and the Consent Agenda was approved.

REGULAR AGENDA

Consider M&C # 12-03- 07 - a request to authorize the City Manager to enter into an agreement for medical direction for the Fire Department EMS Program (Chief Irwin).

Fire Chief Irwin addressed Council informing them that State law requires the City to retain the services of a medical director to provide oversight of the EMS program. He explained that the current four-year contract with Medical Director Dr. Donald J. Gordon and the University of Texas Health Science Center San Antonio (UTHSC-SA) expires January 31, 2008. Chief Irwin provided an overview of the services provided by the medical director and stated that the UTHSC-SA have held the contract for medical control and direction of the EMS program since 1989. Chief Irwin informed Council that a Request for Proposal was issued for the contract, but only UTHSC-SA submitted a proposal and that proposal includes a 5.35% price increase for FY 2008 which raises the FY 2008 cost to \$28,000. He added that the contract includes a programmed 3% annual cost increase until the contract period ends, September 30, 2011.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean to approve the request authorizing the City Manager to enter into an agreement for medical direction for the Fire Department's EMS Program with the UTHSC-SA as proposed. Upon vote, Mayor Riley announced the motion carried.

Reconsider M&C# 11-06-07 - a request by Brian Hamilton, agent for Capital Investment Group, to appeal Master Sign Plan #06-002 Variance Request Decision to Allow Use of Sign D, at 7007 Bandera Road. This issue was tabled by City Council vote on November 5, 2007 (Smith).

Community Development Director Smith address Council explaining that the request asks Council to consider an appeal to Master Sign Plan # 06-002 - a previously approved variance request. Ms. Smith stated that the applicant asked for approval to continue use of an abandoned sign at 7007 Bandera Road. Ms. Smith explained the history of the signs on the property and provided details of a variance granted by Council to allow the use of the sign (Sign D in case documents) in question with this case as long as the sign was in use and not abandoned. Ms. Smith explained that Mattresses, Etc., the tenant that was using the sign, vacated the space in June 2007 and the sign became abandoned as per City Code. She stated that the sign must now be removed or a variance granted to allow continued use of Sign D.

Ms. Smith reviewed details of the original Master Sign Plan #06-002 which required the applicant to remove Sign B (Clear Creek monument sign) and to leave Signs C&D under the three approved variances which: allow use of Sign D (an abandoned sign at the time of the original variance) until the sign became abandoned, allow encroachment to distance requirement between freestanding signs (67'encroachment) and allow excess number of free standing signs (two) per frontage. She explained that the Code allows one sign for each 250

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feet of frontage; two signs for over 250 feet with an approved Master Sign Plan.

Ms. Smith advised Council that the applicant had informed staff that it was their impression that the variance for the use of Sign D could be used by any tenant in the shopping center and that the permit was not tied to the one tenant (Mattresses, Etc.).

Councilman Manea provided additional details of the original sign request that resulted in Sign D being given a variance in 2006 stating that the tenant business at the time of the original sign variance request, Mattresses, Etc., had signed a lease agreement which included use of Sign D. Councilman Manea stated that, as the President of the Chamber of Commerce at that time, he had asked Council to give favorable consideration of the sign variance for Mattresses, Etc.

Agent for the applicant, Brian Hamilton presented packets of information to Council and informed Council that the property owner was not aware that the tenant, Mattresses, Etc. had abandoned their lease space until September 2007, although he learned that the utilities were turned off in July 2007. Mr. Hamilton stated that it was his understanding, and that of the property owner that the variance requested to allow Sign D was not tied to a particular tenant, as tenants come and go without notice. He stated that the Master Sign Plan originally presented to Council was not tied to only Mattresses, Etc.

Mayor Riley stated that she remembered that the large sign D had been allowed to remain with the original variance request, but on the condition that once the tenant left, the sign would be removed. She explained that the citizens of Leon Valley have expressed their desire to beautify the City and that a decision by Council on the Master Sign Plan in question was postponed more than once to take advantage of business-friendly Sign Code updates recommended by the Business Alliance Committee last year.

Development Project Coordinator Flores addressed Council explaining that the Zoning Commission had reviewed the original Master Sign Plan and recommended approval of the Master Sign Plan with changes that were brought to City Council.

Councilmembers discussed their concerns about the sign abandonment process and the availability for advertising space on Sign A to allow for their tenants to have advertising room without using Sign D, the need for economic development, the thirty-day abandonment period providing enough time for a new sign to be put up between tenants, the problems of absentee business landlords, the thirty days given to property owners to remove abandoned signs, the need to declutter signs in Leon Valley.

Mr. Hamilton stated that he never received notice from the City about the final decision of the Master Sign Plan nor any notice when Mattresses, Etc. abandoned the lease site. Mr. Hamilton stated that the original intent for use of Sign D was for the upper portion of Sign D to be used for tenants and the lower sections were to advertise the shopping center's name "Clear Creek Shopping Center" and the leasing agent's contact information.

Citizen Hubert Lange addressed Council stating that he was on City Council at the time the original Master Sign Plan came before Council. He stated that at the time that request came before Council, the sign in question was already an abandoned sign. He stated that the property owner had charged Mattresses, Etc. additional lease fees for use of Sign D but Mattresses, Etc. wouldn't be allowed to use the sign without the variance granted by Council

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last year.

Council and the City Attorney continued discussion on limiting the length of time the non-conforming sign may be allowed to remain in use.

Following discussion, a motion was made by Councilman Reyna to grant the appeal for the abandoned non-conforming sign to allow it to continue as a non-conforming sign for Northwest Pediatric Associates on Sign D until that tenant moves out, then the sign comes down or as amortized by June 30, 2012, nine years from the effective date of 2003 Sign Ordinance # 03-009.

Mr. Hamilton asked if the language for the sign will also allow the 3-section sign to include advertising for Clear Creek Shopping Center and/or leasing information for the center.

Councilman Reyna asked that the minutes reflect the legislative intent that when the Northwest Pediatric Associates, Clinic, or doctor, who is in that lease space as of this date, vacates the premises, Sign D is to be removed.

Following continued discussion, Councilman Reyna amended his motion to include additional conditions for the appeal to use Sign D stating that the non-conforming sign will be deemed to be abandoned when the Northwest Pediatric Clinic Associates vacates their lease space and the sign will then be removed. He further explained that the verbiage on the sign advertising Clear Creek Shopping Center's name and /or leasing contact information would not change the abandoned status of the sign when the Northwest Pediatric Associates vacates the shopping center. Councilmember Dean seconded the motion and its amendment.

Upon voice vote, Mayor Riley announced the motion and its amendment were approved.

Consider M&C # 12-04-07 - a sign variance request by Cynthia Evans, applicant, to grant a variance to Chapter 5, "Signs," Section 5.3.3, "Free-Standing Signs," Part 4a. to allow one (1) additional free-standing sign without a Master Sign Plan at 6504 Bandera Road (Smith).

Development Coordinator Flores addressed Council stating that the sign variance for a business at 6504 Bandera Road was a request from Cynthia Evans, the applicant representing Leon Valley Psychic. Ms. Flores stated that the Sign Code allows only one free-standing sign per 250 feet of frontage or two free-standing signs with an approved Master Sign Plan. Ms. Flores stated that the applicant requested the variance due to lack of space on the existing multi-tenant sign and because of their location and visibility within the shopping center.

Gene Evans, addressed Council, on behalf of the applicant, stating that because their business space is not visible from Bandera Road and all the sign slots on the multi-tenant pylon sign were filled, they were requesting an additional sign on the property to advertise their business. He stated that they have been at that address for one year and had previously been at a business location across the street from their current location.

Council discussion followed regarding the applicant asking the property owner to increase the size of their multi-tenant sign or that the applicant requesting that a master sign plan be submitted by the property owner.

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A motion was made by Councilmember Dean, seconded by Councilman Reyna, to deny the request for a sign variance as presented. Upon vote, Mayor Riley announced that the sign variance was denied.

Mr. Evans asked what else he could do. Ms. Smith addressed Council stating that the multi-tenant sign is not at its maximum heights and the existing sign could be remodeled without having to come back before Council.

Consider M&C # 12-05-07 - a request to authorize the City Manager to execute an agreement between the Texas Parks and Wildlife Department, Recreational Trails Program for construction of recreational trail improvements made under the Texas Recreational Trails Fund Grant and approval of associated budget adjustment (Stolz).

Fred Stolz, Assistant Director of Public Works, addressed Council stating that the grant would fund construction an additional 3,105 feet of recreational trails and included split-rail wood fencing, bollards, benches, signage, bollards along trail locations. Mr. Stolz presented a map illustrating the proposed connectivity trail site map.

City Manager Lambert explained that the formal action would notify the State that the City will accept the grant, authorize the budget adjustment to accept the funds and t????

Mayor Riley and Council agreed that the public hearing should be held to notify the residents whose properties will border the new trails.

A motion was made and amended by Councilman Reyna, seconded by Dean, to approve the M&C to authorize the City Manager to execute the agreement as presented and to approve the associated budget adjustment with the condition that a public hearing be held at a special meeting to inform the residents bordering the new trail system of the planned trail program. Mayor Riley asked that postcards be mailed to the residents affected by the new trail system and the meeting be a special council meeting. Upon vote, Mayor Riley announced the motion carried. Mayor Riley thanked Mr. Stolz and Mr. Uvietta for their work on the grant.

Discussion Agenda

Discussion on proposed Interlocal Agreement with the City of San Antonio to detain prisoners (Chief Wallace).

Police Chief Wallace addressed Council explained that prisoners detained by Leon Valley police for Class B misdemeanors and above are transported to the detention facility operated by the San Antonio Police Department at 401 S. Frio. He stated that the prisoners are held there until they are magistrates. Chief Wallace stated that the City of San Antonio has been doing this since 1990 at no charge, but recently notified area small cities that there would be a charge of \$56 per prisoner effective January 1, 2008. Chief Wallace stated that the City of San Antonio has determined that, since 2005, we have averaged 88 prisoners per year which would cost the City of Leon Valley approximately \$4,928. Chief Wallace presented options ranging from filing charges at large to having one of our police officers remain with the prisoner until remanded to jail by the Magistrate.

Mayor Riley explained that Mayors of other cities are not happy about being notified about this

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after budgets were set and had asked that a decision on this be extended until February 2008, but a recent letter from San Antonio asked for a signed interlocal agreement by December 31, 2007.

Council questioned who has the legal responsibility for magistrate services, where does our City's obligation for a prisoner for a Class B misdemeanor or higher stop, why the prisoners are not taken to a Bexar County facility to be magisterated, and was it legal for a municipality to turn over their prisoner to another municipality.

Following discussion, Council agreed to have the City Attorney find answers to their questions and to continue work with other City Attorneys to bring back other recommendations by the January 15, 2008 City Council meeting.

Discussion and update on water rights (Stolz).

Assistant Director of Public Works Stolz addressed Council presenting a statistical analysis of the City's water needs and its supply. Mr. Stolz presented statistics on the estimated water demand and the shortfall expected if development is completed in the next 2-3 years. He estimated that if all the proposed development projects were fully built out, by 2010, the City will be short 90-acre feet of water, outside of any drought conditions. Mr. Stolz reported on the impact of a drought on the City's water supply and indicated that the City could be 456 acre feet of water short in Stage 1 of the drought management plan by the year 2010.

Discussion followed on how the expected water shortages be addressed by: requiring developers to provide their own water rights, using water rights impact fees, adjusting the Enterprise Budget to permit leasing additional water rights with current prices at \$130 per acre foot, borrowing additional funds to permit purchase of water rights with the current sale price of near \$5,500 per acre foot, or by developing a new water source with a Trinity Well. Mayor Riley asked that water cisterns be added to the options as a conservation measure.

The City Manager noted that each water connection uses approximately one-half acre foot of water per year. The City Manager informed Council that on January 15, 2008, staff will bring before Council for their consideration a water rights source impact fees. He stated that it has been calculated that the impact of a new home in Leon Valley is \$3, 318 on the water supply demand. Mr. Lambert stated that the laws says you can only charge an impact fee that is an actual estimate of the cost less the amount of revenue the City receives from ad valorem taxes and the sale of water or the City can only charge one-half of the impact fee; therefore, it will be recommended that the new water impact fee will be \$1659. The City of San Antonio charges \$1249 as a water rights impact fee to its new customers.

Discussion regarding joint election option for May 10, 2008 General Election (Feutz).

City Secretary Feutz addressed Council asking for direction regarding a joint election for May 10, 2008 with Bexar County. She reported that voters complained about having to vote in two places for election issues, as was the case in November 2007 and May 2007. She reviewed Council's history with considering a joint election in December 2006 and explained that the three parameters that were required could not be met; therefore, no joint election was held in 2007. Ms. Feutz provided information on the differences between the stand alone election versus having a joint election with Bexar County for May 2008 with or without an additional early

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voting polling place in the City of Leon Valley. She provided estimated cost differences between the three options explaining that a joint election with no additional early voting site in Leon Valley would cost less than the usual stand alone election, but a joint election with an additional early voting site in Leon Valley would cost about \$1800 more than the stand alone election.

Council's direction was to seek pricing for a joint election with Bexar County for the May 10, 2008 General Election with an additional early voting site at the Kinman House and with the election day polling place designated at the Northside Learning Center to be moved to Leon Valley City Hall. Council also expressed their concern that the citizens be given additional notification of the voting place changes should they decide to have a joint election.

Discussion on resolution to promote a Bus Rapid Transit (BRT) System (Lambert).

Mayor Riley asked that this item be considered at a future meeting in the interest of time.

Discussion on Texas Park and Wildlife Department Outdoor Recreation Grant Program for additional parkland acquisition (Word).

City Manager Lambert introduced Intern Kathryn Word. Ms. Word addressed Council stating the Outdoor Recreation Grant Program from the Texas Parks and Wildlife Department has a deadline of July 31, 2008. She stated that the grant is to assist communities in providing recreation and conservation opportunities. She stated that the Texas Recreation and Parks Account provides a 50% matching fund grant which could reimburse the City for purchasing additional park property. She noted that the grant preparation will require a public hearing and because the possible park land purchase could be in a floodway, it will also require an environmental impact study.

Mayor Riley asked that the landowners be researched and identified for the 6934 Poss Road property and thanked Ms. Word for her presentation.

City Manager's report.

Financial Reporting Achievement Award to City Accountant

City Manager Lambert announced that the Financial Reporting Achievement Award had once again been awarded to Vickie Wallace for the 12th year in a row for her excellence in financial reporting. He also reported that he attended a municipal investing class for two days and had a renewed appreciation for Ms. Wallace's work.

Financial Report - City Accountant

City Accountant Wallace addressed Council presenting an overview of the revenue and expenses for November 2007 and reported that the sales tax was up from the previous year.

Citizens to be heard.

No one appeared.

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Announcements.

Councilmembers wished everyone, "Happy Holidays."

Mayor Riley announced that there would not be a meeting on January 1, 2008 and the first Regular City Council meeting would be held on January 15, 2008. She announced that the Leadership Training Classes would be postponed due to poor response. She announced that there would be a Special Council Workshop on Saturday, January 12, 2008 at 8:45 a.m. to discuss strategic planning. Mayor Riley also announced that a meeting would be held with two members of Council, the Park Commission and the Forest Oaks Community Association on January 10, 2008 at 7 p.m. at City Hall. She reported that she and City Manager Lambert visited Pat Wright and reported that he was doing well. Mayor Riley also reported that a citizen has asked that a citizens committee be appointed in the near future to work on a plan for the development of vacant land in the Seneca III area.

Adjourn.

Hearing no other business or comments, a motion was made by Councilmember Baldridge, seconded by Councilman Reyna to adjourn. Mayor Riley announced that the meeting was adjourned at 10:25 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by majority vote of the City Council at the Regular City Council Meeting of January 15, 2008.